

## TESTIMONY FOR JUDICIARY COMMITTEE PUBLIC HEARING

Joint Committee on Judiciary  
Room 2500, Legislative Office Building  
Hartford, CT 06106  
Monday February 8, 2016

Dear Judiciary Committee Members:

Good morning and thank you for affording me the opportunity to speak before you today. I am here to speak in opposition to the reappointment of the Hon. Linda Prestley.

Before I begin, I would like to provide some brief background information. On June 18, 2012, Judge Carbonneau took custody of my children from me for what I contend is no other reason than I disagreed with the manner in which my GAL handled my case. I had filed for divorce in October 2009, but because neither of my two attorneys would bring my concerns to the court as they were scared of my GAL, it took almost 3 years to finalize my divorce and I had to go to trial as a Pro Se. On May 21, 2012, on my last day of a 6 day trial that took place over 5 months, I pleaded with Judge Carbonneau to please not give my then wife sole custody as it would be used to remove me from my children's lives. As I work part time from home, I was extremely involved in their day to day activities. Lo and behold, my prediction came true on August 9, 2013 when my GAL filed an affidavit containing fraudulent information that took my children from me. On October 10, 2013, after a trial that lasted several days and despite disproving the false allegations made against me, Judge Carbonneau issued orders that left my visitation at the discretion of others. I subsequently started speaking out about problems with the family court. In what I contend was retaliation, my daughter was taught to hate her father with whom she was once very close. I asked Judge Bozzuto in May 2014 and July 2014 to please intervene. She refused and I appealed. In the interim, I pleaded with Judge Simon to intervene numerous times, around October 2014, around February 2015 and once again in July 2015. Judge Simon ignored all of my pleas. Although I prevailed in my appeal and feel very fortunate to have done so, it comes 2 years after the damage to my daughter was done and it is questionable how, if ever it will be repaired.

I contend many persons took part in this tragedy and that the Hon. Prestley was one of them. I appeared before the Hon. Prestley at least 3 times and I contend she acted inappropriately at all three appearances:

1. Around November 2011, I had a pretrial hearing before the Hon. Prestley. I appeared self-represented. My ex wife appeared with an attorney. For a number of reasons, I was in poor financial conditions as my divorce case dragged on. This is documented in a number of rulings by the Hon. Carbonneau. As it was my first pretrial, I brought all of my of trial compliance documents with me which required a box to carry. I did not have any boxes at home other than an empty diaper box to use to carry my documents. The Hon. Prestley proceeded to make fun of the fact that I was using this box. Although I apologized that this was the only box I had available, she repeatedly accused me of using it as some ploy to influence her in some manner. A good portion of the court room was laughing at me including my then wife and her attorney. I was humiliated. The Hon. Prestley showed complete deference to the lawyers involved in my case ignoring my rights as a litigant. Persons have repeatedly defended the Judicial Branch as being friendly towards self-represented parties. That has not been my experience and this is just one of many incidences which support my claims. I can speak for hours about other experiences like this in my case and many other cases.
2. In December 2011, I appeared at court at the request of my GAL for what I thought was to ONLY obtain a copy of the Custody Evaluation prepared by Dr. Humphrey in my case. There were NO pleadings before the court. The Practice Book, Connecticut General Statutes and Case Law (Costello v Costello) make it very clear that all litigants have a right to know beforehand the reason they are appearing before the court. I testified about this problem in February 2014 during the reappointment hearing for the Hon. Olear. I gave numerous examples to illustrate my contention that the Hon. Olear repeatedly allowed Atty. Ceil Gersten to violate the Practice Book by ambushing me in court with oral pleadings. Sadly, despite my public testimony, approximately a year later, Atty. Gersten once again issued an oral pleading before the Hon. Simon who despite my objections and public testimony, granted Atty. Gersten's oral pleading. However, back to the topic at hand, the Hon. Prestley's reappointment. My GAL openly acknowledged that she was presenting an oral pleading to the Hon. Prestley to place a gag order on the contents of the Custody Evaluation. The Hon. Prestley granted the oral pleading despite the fact that there was no written motion before the court and what I contend was suspicious conduct by my GAL and my then wife's attorney Ceil Gersten. The Hon. Prestley had asked the GAL that if the contents were so secretive, then maybe it would be best that a copy be left in the file and that the litigants not be given a copy but must come to court to view it. Both the GAL and Atty. Gersten immediately responded

with an emphatic negative that should draw the inquisitive attention of any person watching.

This pendente lite order expired at final judgement. I have since shared the custody evaluation with a number of persons who have questioned its format and content. It is my contention that custody evaluations prepared by certain mental health professionals who make a significant portion of their living through the courts are used to threaten and intimidate litigants for whatever reason. And although this is somewhat off topic, I once again implore the legislature to please take up the issue of a complete lack of uniform standards used in Family Court by mental health professionals. It is not a question of the existence of standards but as noted in a recent article by the AAML, a complete lack of uniform application. I would please ask the legislature to revisit the issue of HB6267 or similar legislation.

3. In April 2012, I appeared for the last time before the Hon. Prestley for a motion filed by then wife's attorney to end my medical decision making authority. There is a lot of background information required to properly understand the details but to be brief I am summarizing the highlights. However, I wanted it noted that it is not my attempt to mislead anyone with being brief herein and will gladly provide more details upon request.

The Hon. Prestley refused to hear my concerns despite the large amount of evidence I had brought with me that day. She completely deferred to my GAL and Atty. Gersten. My GAL was laughing everytime I brought up a concern. I contend that any normal person would consider the GAL's conduct very suspicious and would want to see the evidence I had to present.

It is my contention that my daughter was suffering psychologically at that the point and that the GAL was not doing her job to address the issue. I had contacted many, many individuals for assistance to no avail. DCF had recommended that since I had custody at that time; that I take her to a therapist. I was taking her to our town psychologist when Atty. Ceil Gersten sent me an email instructing me not to take my daughter to that psychologist despite the fact that Atty. Gersten had no authority to do so. I ignored her email and I contend this hearing was to stop me from taking my daughter to get help she needed and the excuse presented was obfuscation from the real problem at hand. I contend that the Hon. Prestley's ruling led to my daughter being placed under the care of a person, Kian Jacobs, who I contend refused to address the real issues at

hand and aided the alienation of my daughter. Attached is a newstory of a recent case involving a 3<sup>rd</sup> party who psychologically abused some children which I contend is similar to what happened in my case.

That whole day was an illustration of what I contend is rampant corruption in the CT Family Court system from Family Relations to Clerks.

- a. Atty. Gersten rarely in my case agreed to go to Family Relations prior to appearing before the judge, despite rules requiring it beforehand. Well, that day she mysteriously chose to appear before Family Relations. I had many examples of evidence to support my side. However, I contend the Family Relations representative, Margaret Romanik, who conducted the negotiation colluded with my GAL to intimidate me from presenting valuable evidence, saying it was inadmissible in court. It is not her job to tell litigants what evidence is or isn't admissible. That is the judge's job.
- b. The case was initially assigned to the Hon. Whetstone. Both my GAL and Atty. Gersten were apprehensive to appear before the Hon. Whetstone. After seeing the evidence I had to support my case, my GAL and Atty. Gersten immediately went to one of the clerks who treats them deferentially and asked that the case be moved to Hon. Prestley's courtroom. I contend this was done inappropriately to "judge shop". Self-represented parties are not allowed to judge shop but it appears that lawyers allowed to do so.
- c. After this incident, I sought advice from my town psychologist again. She seemed very scared and extremely hesitant to get involved. I had seen this numerous times before with mental health professionals who are not part of the Family Court "clique". I believe that someone threatened her and I contend this happens very often in Family Court.
- d. There was an ongoing and pending trial. It is inappropriate for another judge to intervene during a pending case unless the motion be filed Ex Parte. I contend that the motion was not filed Ex Parte as it would have gone to a judge who may not want to rule on it. Interestingly, in September 2013, I had filed a number of motions including a motion to vacate the August 9, 2013 ruling on the basis that the information included in the affidavit was fraudulent and hearsay. I provided a very good case as precedent from Stamford

to support my arguments. My case was in limbo at the time as the Hon. Carbonneau was moved to Norwich. In contrast to the Hon. Prestley's conduct, the Hon. Albis refused to hear my pleadings, which were purely based on legal arguments, not requiring knowledge of the case, stating that I needed to wait for the Hon. Carbonneau. It appears to me that different rules apply between self-represented parties and lawyers. It appears that if a lawyer asks another judge to intervene in a pending matter, the judge will grant it but if a self-represented makes the same request, it is denied.

I contend that the Hon. Prestley continues to show bias against self-represented parties, who appear before her in opposition to certain lawyers, who for some reason have influence over her. In the summer of 2015, I court watched a case before the Hon. Prestley involving a self-represented party against an attorney. The self-represented party questioned some conduct of the attorney. The Hon. Prestley appeared to be upset at the allegations made against the attorney and defended the attorney's conduct. I did not know that part of a judge's role was to defend attorneys, who are more than capable of defending themselves against criticism from self-represented parties.

I am not the only person who has made this observation. Rep. Carpino in her questioning of a judge during the last judicial appointment hearing conducted in the 2015 legislative questioned a prospective judicial candidate about how he would deal with allegations of partial behavior and "cliques" in the Stamford Courthouse. I contend these "cliques" exists in every courthouse.

Ironically, in one case I watched while waiting for my case, involving ONLY self-represented parties, I thought the Hon. Prestley did a very good job in adjudicating the dispute between the two individuals who were clearly very upset at each other. However, although the Hon. Prestley only played a peripheral role in my issues with Family Court, I contend her apparent deference to certain attorneys makes her a risk to any self-represented party appearing against those attorneys who have influence over her opinion. As such, I ask that you not reappoint her.

Thank you for your time.

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John Pirro

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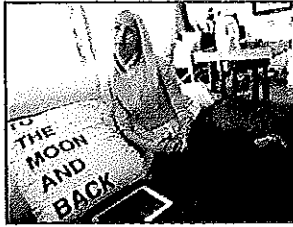
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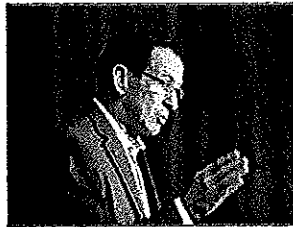
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DANBURY -- A former Danbury woman who "used the criminal justice system as a weapon" will spend the next 30 months in prison for coaching her stepchildren to lie to authorities about being sexually abused by their biological mother.

Flavia DaSilva concocted the scheme to get the mother out of the lives of the children of their father, who DaSilva married in 2008, according to Assistant State's Attorney Colleen Zingaro, the prosecutor.

DaSilva, 36, was convicted by a jury on two counts of risk of injury to a minor and a single count of interfering with police after a weeklong trial in May.

Judge Robin Pavia said DaSilva's actions not only pitted the two children, a girl who was 10 at the time and her then-9-year-old brother, against their biological mother, but created a terrifying ordeal for the mother, who was arrested in 2011 on sexual assault charges.

"It wasn't one moment in time, it was a long period of time," Pavia said.

The father contacted police and told them that after DaSilva moved out of their home a year later, his daughter admitted the abuse never took place. Both children subsequently recanted their claims in interviews with police and with a child abuse counselor, according to testimony at the trial.

The charges were eventually dropped, but in the interim, the mother spent \$8,000 on a lawyer and another \$500 for bond, she told the judge on Thursday. Pavia also ordered DaSilva to make restitution to the mother.

Zingaro initially sought a four-year prison term for DaSilva, coupled with five years of probation after her release.

While saying he "respected the jury's verdict," defense attorney Raymond Kotulski said he still believed his client, who had pleaded not guilty, and asked Pavia for a lesser term.

DaSilva who has no prior criminal record, faces the likelihood of being deported back to Brazil after she completes her sentence, he said.

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